

A Regular Meeting of the Zoning Board of Appeals of the Town of Lancaster, Erie County, New York, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York, on the 10th day of May, 2007 at 8:00 P.M., and there were

PRESENT: JOHN ABRAHAM, JR., MEMBER

 WILLIAM MARYNIEWSKI, MEMBER

 JAMES PERRY, MEMBER

 RICHARD QUINN, MEMBER

 ARLIE SCHWAN, MEMBER

ABSENT: ROBERT THILL, MEMBER

 JEFFREY LEHRBACH, CHAIRMAN

ALSO PRESENT: JOHANNA M. COLEMAN, TOWN CLERK

 JOHN DUDZIAK, DEPUTY TOWN ATTORNEY

 GEORGE PEASE, ASSISTANT BUILDING INSPECTOR

The Affidavits of Publication and Posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

In the absence of Chairman Lehrbach, a motion to appoint Mr. Quinn temporary chairman was made by Mr. Abraham and seconded by Mr. Perry.

The motion was duly put to a vote which resulted as follows:

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| MR. ABRAHAM | VOTED YES |
| MR. MARYNIEWSKI | VOTED YES |
| MR. PERRY | VOTED YES |
| MR. QUINN | VOTED YES |
| MR. SCHWAN | VOTED YES |
| MR. THILL | WAS ABSENT |
| MR. LEHRBACH | WAS ABSENT |

Motion Carried

PETITION OF WILLIAM & LINDA BECKER:

THE CASE TO BE HEARD BY THE ZONING Board of Appeals was that of the petition of William and Linda Becker, 37 Southpoint Drive, Lancaster, New York 14086 for one [1] variance for the purpose of erecting a six [6] foot high fence in a required open space area on premises owned by the petitioners at 37 Southpoint Drive, Lancaster, New York, to wit:

A variance from the requirements of Chapter 50, Zoning, Section 35C. of the Code of the Town of Lancaster. The premises upon which this variance is sought is a corner lot fronting on Southpoint Drive with an exterior side yard [considered a front yard equivalent] fronting on Thomas Drive. The petitioners propose to erect a six [6] foot high fence within the required open space area of the exterior side yard fronting on Thomas Drive.

Chapter 50, Zoning, Section 35C. of the Code of the Town of Lancaster limits the height of a fence or wall extending into a front yard or an exterior side yard [considered a front yard equivalent] to three [3] feet in height. The petitioners, therefore, request a three [3] foot fence height variance.

The Clerk presented and entered into evidence the following items:

Duly executed petition of the applicants with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioners of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

PERSONS ADDRESSING THE BOARD

| | |
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| William Becker, petitioner 37 Southpoint Drive Lancaster, New York 14086 | Proponent |
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| Linda Becker, petitioner 37 Southpoint Drive Lancaster, New York 14086 | Proponent |
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IN THE MATTER OF THE PETITION OF WILLIAM & LINDA BECKER

THE FOLLOWING RESOLUTION WAS OFFERED
BY MR. PERRY, WHO MOVED ITS
ADOPTION, SECONDED BY MR. ABRAHAM
TO WIT:

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of William and Linda Becker and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 10th day of May 2007, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

WHEREAS, the applicants are the present owners of the premises in question.

WHEREAS, the property for which the applicants are petitioning is within a Residential District 1, (R-1) as shown on the Zoning Map of the Town of Lancaster.

WHEREAS, no undesirable change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

WHEREAS, no detriment to nearby properties will be created by the granting of the area variance relief sought.

WHEREAS, the benefit sought by the applicants cannot be achieved by some other method, feasible for the applicants to pursue, other than the area variance relief sought.

WHEREAS, the requested area variance relief is not substantial.

WHEREAS, the proposed area variance relief will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

WHEREAS, this board has taken into consideration the benefit to the applicants if the variance relief sought is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

WHEREAS, within the intent and purposes of this ordinance the variance relief sought, if granted, is the minimum variance necessary to afford relief.

WHEREAS, such fence will not unduly shut out light or air to adjoining properties.

WHEREAS, such fence will not create a fire hazard by reason of its construction or location.

WHEREAS, the petitioners have submitted to the Town Clerk a petition signed by seven [7] of their immediate neighbors in support of this variance request.

**NOW, THEREFORE, BE IT
RESOLVED** that based upon these findings, the relief sought be and is hereby
GRANTED.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

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| MR. ABRAHAM | VOTED YES |
| MR. MARYNIEWSKI | VOTED YES |
| MR. PERRY | VOTED YES |
| MR. QUINN | VOTED YES |
| MR. SCHWAN | VOTED YES |
| MR. THILL | WAS ABSENT |
| MR. LEHRBACH | WAS ABSENT |

The resolution granting the variance was thereupon **ADOPTED**.

May 10, 2007

ON MOTION DULY MADE, SECONDED AND CARRIED, the meeting was adjourned at 8:12 P.M.

Signed _____
Johanna M. Coleman, Town Clerk and
Clerk, Zoning Board of Appeals
Dated: May 10, 2007